

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEVEN LEE MORTENSEN,

Plaintiff,

v.

TARAH FOSTER,

Defendant.

No. 2:22-cv-01773-TLN-CKD P

ORDER

Plaintiff is a former county inmate proceeding pro se in this civil rights action that was removed from state court on October 6, 2022. ECF No. 1. The undersigned issued Findings and Recommendations on February 22, 2023 to dismiss this action without prejudice based on plaintiff's failure to inform the court of any address change. ECF No. 10. The next day plaintiff filed his change of address with the court. ECF No. 11. The Findings and Recommendations were then re-served on plaintiff's new address of record. Plaintiff filed objections to the Findings and Recommendations on March 6, 2023.<sup>1</sup> However, mail sent to plaintiff was subsequently returned to the court.<sup>2</sup> Defendant Foster has also filed a response to plaintiff's objections

<sup>1</sup> As plaintiff is no longer in custody, the court no longer applies the prison mailbox rule to plaintiff's pleadings to determine the constructive filing date. Houston v. Lack, 487 U.S. 266 (1988).

<sup>2</sup> The Clerk's Office does not keep the envelopes containing the postmark date or the reason why the mail was returned.

1 indicating that an attempt at service of process at plaintiff's new address has also failed. ECF No.  
2 13. Therefore, the court will order plaintiff to provide his current address within 14 days from the  
3 date of this order.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Within 14 days from the date of this order, plaintiff shall provide his current address in  
6 compliance with Local Rule 183(b).
- 7 2. The undersigned will not withdraw or vacate the pending Findings and  
8 Recommendations until plaintiff has notified the court of a current address where he  
9 can be properly served.
- 10 3. Plaintiff's failure to respond to this order within the time provided will result in the  
11 submission of the pending Findings and Recommendations to the district judge  
12 assigned to this action.

13 Dated: March 14, 2023

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15 CAROLYN K. DELANEY  
16 UNITED STATES MAGISTRATE JUDGE  
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